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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,689	06/26/2003	Jason D. Alinder	P-11128.00	5363

27581 7590 02/15/2006

MEDTRONIC, INC.
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EXAMINER

SCHAETZLE, KENNEDY

ART UNIT	PAPER NUMBER
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3766

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,689	Applicant(s) ALINDER, JASON D.	
	Examiner Kennedy Schaetzle	Art Unit 3766	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 5, 8-12 and 15-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/26/03, 2/2/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on lines 11 and 12 of page 4, the reference to Figs. 3A and 1B appear to be in error. The examiner will assume it was the applicant's intent to refer to Figs. 1B and 1C respectively.

Appropriate correction is required.

Claim Objections

2. Claims 1, 3 and 4 are objected to because of the following informalities: the article "a" should be added prior to the word "channel" on line 2 of claim 1, and the same article should be deleted from line 1 of claims 3 and 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 4, 6, 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dahl et al. (Pat. No. 4,559,951).

Claims 1, 3, 4, 6 and 13 are clearly anticipated.

Regarding claim 7, the examiner considers layers 16 and 30 to act as guides providing an interface between cables. The language of the claim does not invoke

§112, 6th paragraph and therefore is not limited to guides such as disclosed or their equivalents.

5. Claims 1, 2 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Osypka et al. (Pat. No. 6,671,562).

Regarding claim 1, Osypka et al. disclose a medical electrical lead comprising a first electrode 22 including a channel extending therethrough, a second electrode 24 positioned distal to the first electrode, a first cable conductor comprising three filaments (see col. 4, lines 45-57) including a first portion terminated in a first end and a second portion extending proximally from the first portion, with the first portion extending through the channel of the first electrode and the first end coupled to the second electrode (see Fig. 3 and again col. 4, lines 45-57), and a second cable conductor comprising the remaining filaments associated with conductor coil 18 wound about the second portion of the first cable conductor and including a first end coupled to the first electrode (see Fig. 3).

Regarding claim 2, the examiner considers the first cable and the second cable to be wound about each other proximal to the portion of the lead where the two groups of filaments separate from one another for coupling to individual electrodes 22 and 24.

Regarding claim 13, see insulating tube 26.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osypka et al. in view of Mueller (Pat. No. 5,514,172).

Regarding claim 14, although Osypka et al. do not elaborate on the proximal connector structure 16 for their bipolar lead, it is disclosed that the connector may be of

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any standard form (col. 3, lines 15-21). Clearly anyone of ordinary skill in the lead manufacturing arts would recognize Fig. 1 to show a standard connector configuration comprising a connector contact and terminal pin arrangement (the pin being just proximal to the more distal ring contact as is standard in the art). Mueller shows in detail a proximal connector arrangement in a bipolar lead, wherein a first conductor 116 extends through the channel of the connector contact 38 to pin 36, with a second conductor 114 coupled at a second end to the connector contact 38. This configuration is entirely standard and notoriously old in the medical lead arts. To employ a similar arrangement for the proximal connector of Osypka et al. would have therefore been considered a matter of obvious electrical and mechanical expediency by any lead artisan of ordinary skill.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahl et al. in view of Mueller.

Although Dahl et al. show a bifurcated proximal connector arrangement and concomitantly does not disclose the arrangement of claim 14, the use of a single in-line connector contact/pin arrangement is an industry standard in the medical lead arts. Such an arrangement promotes device miniaturization by eliminating the need for a two bore header, and limits the potential for encroachment of bodily fluids into the implant housing. As shown by Mueller and discussed above, lacking any criticality by the applicant, those of ordinary skill in the art would have seen the particular manner by which the lead was connected to the medical device to be a matter of obvious design. Any connection system suitable for connecting the distal electrodes to the circuitry of the implant would have clearly been applicable to the invention of Dahl et al.

Allowable Subject Matter

9. Claims 5, 8-12 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

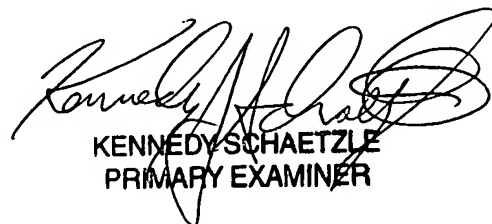
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kennedy Schaetzle whose telephone number is 571 272-4954. The examiner can normally be reached on M-W and F from 9:30 -6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on M-F at 571 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KJS
February 7, 2006



KENNEDY SCHAETZLE
PRIMARY EXAMINER